

REMARKS

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,964,162 to McAdam, et al. (hereinafter, "McAdam") in view of U.S. Patent No. 5,416,801 to Chouly, et al. (hereinafter, "Chouly"). By this amendment, while claims 1, 12, and 18 are amended without adding any new subject matter, claim 5 is cancelled without prejudice. As amended, claim 1 calls for a method of broadcasting television programming. The method of claim 1 includes using a cyclic prefix as a guard interval to broadcast the carrier with a subcarrier, the subcarrier broadcast at a frequency adjacent a frequency of the subcarrier. The method of claim 1 further includes digitally encrypting an audio signal to provide a digitally encrypted audio signal.

The Examiner agrees with the applicants that McAdam's reference does not teach use of a cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies, i.e., to broadcast the carrier with a subcarrier, the subcarrier broadcast at a frequency adjacent a frequency of the subcarrier. The Examiner suggests that the Chouly reference teaches this limitation. However, the Chouly reference merely teaches use of a guard interval. In this manner the Chouly reference does not teach use of a cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies. Accordingly, claim 1 is not rendered *prima facie* obvious to one of an ordinary skill in the pertinent art. Thus, claim 1 is in condition for allowance which is respectfully requested of the Examiner.

More specifically, the Chouly reference merely notes that use of a guard interval reduces the spectral efficiency by a certain factor. However, there is no teaching as to using a cyclic prefix as a guard interval. More so, there is no spacing of subcarriers adjacent to corresponding frequencies is taught or otherwise suggested in the Chouly reference. All that the Chouly reference teaches is use of a guard interval to reduce the spectral efficiency. In this manner, the Chouly reference fails to establish a *prima facie* case of obviousness of claim 1 absent a teaching of use of a cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies.

Moreover, there is no motivation presented in the Chouly reference to combine the teaching of a guard interval with the teachings of the McAdam reference. Even if combined, merely a use of guard interval to reduce spectral efficiency does not result in the claim limitations of claim 1 in which use of a cyclic prefix as a guard interval is claimed. Therefore,

whether considered in combination or separately, the McAdam and Chouly references fail to render claim 1 limitations obvious. The Examiner is respectfully requested to reconsider the rejections of all the pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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